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PCT/JP2003/008551

From the INTERNATIONAL BUREAU

**NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

(PCT Rule 72.2)

To:

TAMURA, Iwao
TAMURA PATENT OFFICE
9-22, Terauchi 1-chome
Toyonaka-shi, Osaka 561-0872
JAPONDate of mailing (day/month/year)
21 April 2005 (21.04.2005)Applicant's or agent's file reference
POKJ-10301**IMPORTANT NOTIFICATION**International application No.
PCT/JP2003/008551International filing date (day/month/year)
04 July 2003 (04.07.2003)

Applicant

KAJIHARA, Yasuhiro et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

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The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
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Form PCT/IB/238 (July 1995)

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Translation

PATENT COOPERATION TREATY

PCT/JP2003/008551



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference POKJ-10301	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/008551	International filing date (day/month/year) 04 July 2003 (04.07.2003)	Priority date (day/month/year) 05 July 2002 (05.07.2002)
International Patent Classification (IPC) or national classification and IPC C07K 9/00, 1/04, 1/06, C08B 37/00		
Applicant KAJIHARA, Yasuhiro		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 03 February 2004 (03.02.2004)	Date of completion of this report 21 May 2004 (21.05.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-68 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 5-12, 15, 18-21 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ 1-4, 17 _____ received by this Authority on _____ 30 April 2004 (30.04.2004)
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. _____ 13, 14, 16 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12, 15, 17-19, 20-21	YES
	Claims		NO
Inventive step (IS)	Claims	1-12, 15, 17-19, 20-21	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-12, 15, 17-19, 20-21	YES
	Claims		NO

2. Citations and explanations

- Document 1: JP 10-259198 A (Sankyo Co., Ltd.), 29 September 1998
- Document 2: WO 94/8711 A1 (Warner-Lambert Company), 19 March 1994
- Document 3: Bioorganic & Medicinal Chemistry, Vol. 3 (11), pp. 1455-1463 (1995)
- Document 4: JP 11-255807 A (The Noguchi Institute), 21 September 1999
- Document 5: Carbohydrate Research, Vol. 305, pp. 423-431 (1998)
- Document 6: FEBS Letters, Vol. 93 (2), pp. 255-260 (1978)
- Document 7: The Journal of Biological Chemistry, Vol. 254 (10, pp. 4063-4071 (1979)
- Document 8: Biochemical Journal, Vol. 250, pp. 117-124 (1988)

The inventions set forth in claims 1-12, 15, 17-19 and 20-21 are novel and involve an inventive step. The inventions of a production process set forth in claims 1-12 and 17-19 are unique in the discovery that sugar chain asparagine can be used in the solid phase synthesis of a peptide without protecting hydroxyl groups, and the invention of glycopeptides set forth in claim 15 is unique in that a protective group is introduced onto the carboxyl

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group of sialic acid. These features are not disclosed or suggested in documents 1-8. The inventions of a production process set forth in claims 20-21 are also not disclosed or suggested in documents 1-8.

